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3 November 1983

MEMORANDUM FOR: Director of Central Intelligence

FROM: Acting Deputy Director, Office of
Legislative Liaison

SUBJECT: Hawkins-Percy Amendment to the Department
of State Authorization Bill

1. Senators Paula Hawkins (R. Fl.) and Charles Percy (R. Il.) successfully sponsored an amendment to the State Department's Authorization Bill which requires the President to annually report to the Senate Committee on Foreign Relations and the House Committee on Foreign Affairs on the measures being undertaken to reduce illicit drug production and trafficking within each major illicit drug producing country. The President is required to set forth in this report a maximum amount of reduction to drug production which is achievable during the next fiscal year for each such country. If a country fails to meet those projected reductions, the President is required to suspend "all United States assistance to or for" such country.

2. A major problem is presented here because "United States assistance" is defined to include:

"...assistance of any kind, excepting food, medicine or disaster relief assistance, which is provided by...or by any other means, by any agency or instrumentality of the United States Government to any foreign country..."

3. The operative effect of this amendment would be to halt any form of assistance to liaison services, and intelligence activities or special activities in a country which fails to meet these projected reductions.

4. The amendment provides for an exception to the suspension of all U.S. assistance when the President reports in writing to the Speaker of the House and the Chairman of the Senate Foreign Relations Committee that the continuation of assistance is in the interest of national security. However, this kind of exception could be a flag as to the existence of

intelligence activities in these countries. Furthermore, it is unclear as to what extent the President would have to discuss in this exceptions report the existence or details of any ongoing intelligence activities. Therefore, we have drafted an amendment to the definition of "United States assistance" which would clearly exclude any form of intelligence related operational assistance.

5. Furthermore, the reporting required by this amendment would necessitate a large-scale expansion of our collection and analytical capabilities in the area of narcotics. Some of the information that would be needed we would not even be able to collect as a practical matter. Thus, the President's report would be barred on incomplete information and subject to error.



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27 OCT 1983

OLL 83-2653

26 October 1983

MEMORANDUM FOR:

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FROM:

Legislation Division, OLL

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SUBJECT:

Hawkins-Percy Amendment to the Senate
State Authorization Bill

1. Attached for your information is a recent amendment added to the State Authorization Bill on the Senate floor. This amendment -- the Hawkins-Percy Diplomacy Against Drugs Amendment -- would link drug eradication efforts by foreign governments with bilateral U.S. assistance. The prospect for passage of this amendment, which is not in the House version of the State Authorization Bill, is presently unknown.

2. Under this provision, if a foreign country fails to achieve the projected reduction in illicit drug production contained in a report prepared by the President, then the President must suspend all "United States Assistance" to that country, unless the foreign country failed for reasons beyond its control (weather, geography, political instability) or if continued assistance is in the national security interest of the U.S. "United States Assistance" is defined in this amendment to include assistance of any kind by any U.S. Government Agency. As presently worded, this prohibition would seem to apply to CIA-furnished assistance.

3. The ability of the President to continue assistance under a "national security" exemption mitigates the impact of this amendment. Nonetheless, we would appreciate your office's assessment of the potential impact of this provision to complete our analysis of this amendment.

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Attachment

cc:

Liaison Division

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CONGRESSIONAL RECORD -- SENATE

October 19, 1983

zens need to work internationally to strengthen democratic institutions. I am consequently particularly pleased that the Congress of the United States has been voting to support the bipartisan National Endowment for Democracy and to enable the Endowment and the United States more effectively to cooperate with others in advancing democracy. This is a cause in which all democratic parties in the United States and elsewhere can join with full conviction.

I wish you full success in your deliberations and look forward to further cooperation with those governments participating in the Conference and with democratic governments everywhere.

Members of the Council of Europe, I think it is important to note that President Reagan speaks for all members of this U.S. delegation and for our entire country in expressing his high hopes for this gathering. We have come to listen, to learn, to contribute, and to cooperate in the common task of developing not only our conceptual understanding of democratic processes today but our practical ability to bolster the chances for democratic success in a world filled with those who fear and despise free societies.

I am especially hopeful that—by this time next year—through the bipartisan Endowment and institutions affiliated with the two political parties, labor and business—the United States will have reinforced meaningfully its tangible commitment to partnership programs and exchanges designed to bolster democratic institutions throughout the world.

Would it not be a splendid and historic occasion, Mr. President, if this Senate today fulfilled that bipartisan hope and passed this Endowment legislation? Once this legislation has been enacted, as I stated earlier, the Foreign Relations Committee will have a chance to review with the officials of the endowment and various institutes to be funded by it their procedures, bylaws, initial programs and plans. To do that, however, we must first pass the bill which I hope we can do expeditiously with the perfecting, technical amendment that I have sent to the desk.

I ask unanimous consent that the article entitled "Meeting Moscow's Ideological Challenge" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Sept. 29, 1983]

MEETING MOSCOW'S IDEOLOGICAL CHALLENGE (By William Brock and Michael Samuels)

For the first time, the United States has an opportunity to harness the experience and energies of the private sector in meeting the global ideological challenge presented by the Soviet Union and its allies. Whether or not that opportunity becomes a reality depends on Senate approval this week of a proposal to create a National Endowment for Democracy.

Prompt passage of the legislation (S. 1342) will send a strong message to the world that the American people fully intend to support the growth and development of democratic pluralism abroad.

The legislation pending in the Senate would establish a National Endowment for Democracy as a private, non-profit corporation. It would receive an annual appropriation from the Congress and would be sub-

ject to Congressional overview and guidance.

The unique feature of the proposed Endowment is that all of the overseas programs would be designed and implemented by private sector groups including business, labor, the two political parties, and others. The Endowment legislation specifically names four of the organizations that would receive funds: the Center for International Private Enterprise, the Free Trade Union Institute, and separate Republican and Democratic Institutes for International Affairs.

Each of the political party institutes will draw personnel and program ideas from congressional representatives, academia, and the national committees but neither is part of their respective national committee structures. The Center for International Private Enterprise is part of the National Chamber Foundation and will include on its governing board leaders from representative business groups. Similarly, the Free Trade Union Institute is affiliated with the AFL-CIO and will draw on labor's extensive experience in Asia, Africa, and Latin America. Other private sector groups such as the media, the legal profession, cooperatives, and academia are being encouraged to apply for funds.

Our involvement with the National Endowment for Democracy stems from a research study conducted, with President Reagan's support, by the bipartisan American Political Foundation. In addition to the two of us, the study group board also includes RNC Chairman Frank J. Fahrenkopf, Jr., DNC Chairman Charles T. Manatt, Sen. Christopher Dodd, AFL-CIO President Lane Kirkland, Rep. Dante Fascell, Richard V. Allen, and other distinguished private sector representatives.

This group of business and labor leaders, Republicans and Democrats, liberals and conservatives, strongly supports the Endowment concept. The Report, which was presented to the Administration and Congress in mid-April, recommended the establishment of the Endowment and documented the many potential benefits of such programs for the United States and for democratic forces around the world.

The Endowment concept is based on providing support for what President Reagan called, in his speech to the British Parliament last year, the infrastructure of democracy—political parties, business associations, free labor movements, a free press, and other elements of democratic pluralism. Each of the organizations receiving funds from the proposed Endowment would provide training, exchange programs, and support to its counterparts abroad.

The experience of the AFL-CIO's labor institutes clearly demonstrates that the most effective means of halting the spread of communism is to support democratic groups through institution-to-institution assistance on a partnership basis. As democratic political parties, business groups, labor unions, media, and other institutions emerge and grow stronger, the forces of tyranny can be more effectively checked.

Although government-to-government forms of aid are essential and should be continued, the direct assistance from experienced business people, political party leaders, union experts, and others can make a decisive difference in building democratic pluralism abroad.

Some criticism has been directed at the proposed Endowment in the Senate and in the earlier House vote. For the most part, criticism reflects domestic partisan concerns that the proposed Endowment would be dominated by one party or the other. Some question the relative distribution of funds

between business and labor. Such concerns are groundless.

Both political party institutes have been designated to receive the same amount of funding and have the same representation on the proposed Endowment board. In the cases of business and labor, the appropriate Congressional committees decided that, initially, labor would receive a larger amount as recognition of the work that regional labor training institutes have already done in strengthening democratic trade unionism while opposing communism in Africa, Latin America, and Asia.

As the business Center's programs develop, labor and business will receive equivalent funding in future years. Further, its broad bipartisan structure assures that no one group will be in a position to control the proposed Endowment. Congress, of course, will exercise a strong oversight function to ensure that the proposed Endowment adequately coordinates programs and that all programs are in the national interest.

Domestic concerns aside, it is long past time that the American private sector becomes an essential element of the national effort to provide support for democratic pluralism worldwide. Indeed, the private sector is American democratic pluralism. What better way to confront our most dangerous adversaries than through our own democratic pluralist institutions?

Mr. PERCY. I know of no objection on this side.

The PRESIDING OFFICER. Is there objection? If there is no objection, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 2344) was agreed to.

Mr. PERCY. I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2345

(Purpose: To provide for suspension of assistance to any country not meeting projected reductions in illicit drug production)

Mrs. HAWKINS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. WILSON). The clerk will report.

The bill clerk read as follows:

The Senator from Florida (Mrs. HAWKINS), for herself and others, proposes an amendment numbered 2345.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the bottom of page 48, add the following:

TITLE VII—GENERAL PROVISIONS

INTERNATIONAL NARCOTICS CONTROL

SEC. 701. (a) Section 481(a) of the Foreign Assistance Act of 1961 is amended by striking out the fourth and fifth sentences.

(b) Section 481 of such Act is amended by redesignating subsections (b), (c), (d), and (e) as (g), (h), (i), and (j), respectively.

October 19, 1983

CONGRESSIONAL RECORD -- SENATE

S 11115

(c) Section 481 is further amended by inserting after subsection (a) the following new subsections:

"(b) Not later than January 31 of each year, the President shall prepare and transmit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on those measures being undertaken and planned for the next fiscal year by each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year, which measures are designed to prevent narcotic drugs or other controlled substances from being cultivated, produced, or processed illicitly, in whole or in part, in such country, or from being transported through such country to United States Government personnel or their dependents or from entering the United States unlawfully. Based upon such measures being undertaken and planned for each such country and based upon such other available information, the President shall make a preliminary determination of the maximum amount of reduction in illicit drug production which is achievable during the next fiscal year by each major illicit drug producing country for which United States assistance is being proposed by the President. The President shall include the amount of each such projected reduction in such report. The report shall also set forth the actual reductions in illicit drug production made by each major illicit drug producing country which has received United States assistance for the preceding fiscal year.

"(c)(1) As soon as possible after the transmittal of a report required by subsection (b), the designated representatives of the President shall initiate appropriate consultations with the appropriate committees of the Congress. Such committees shall cause to be printed in the Congressional Record the substance of each consultation.

"(2) After the President's designated representatives initiate appropriate consultations, the appropriate committee of each House of Congress should hold a public hearing to review the preliminary determination of the President unless public disclosure of the details of such projected reductions is required to be classified. In such a case, the hearing shall be closed to the public.

"(3) After the conclusion of the hearings held under paragraph (2) or 90 days after the initiation of appropriate consultations under paragraph (1), whichever occurs first, the President shall prepare and transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report setting forth his final determination regarding the maximum amount of reduction in illicit drug production which is achievable during the next fiscal year by each major illicit drug producing country for which United States assistance is being proposed by the President.

"(d) Notwithstanding any other provisions of law, if the report required to be submitted by subsection (b) indicates that the government of a country covered by such report has failed to achieve the projected reductions in illicit drug production for the preceding fiscal year which were contained in the report described in subsection (c)(3) for such fiscal year, then—

"(1) the President shall suspend all United States assistance to or for such major illicit drug producing country, and

"(2) the Secretary of the Treasury shall instruct each United States Executive Director of the International Bank for Reconstruction and Development, the International Development Association, the Inter-

American Development Bank, and the Asian Development Bank to vote against any loan or other utilization of the funds of the respective international financial institution to or for such major illicit drug producing country.

unless the President determines and so reports in writing to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate that—

"(A) such country did not achieve its projected reduction in illicit drug production because of factors beyond its control such as changing weather conditions, geographic impediments, and political instability; or

"(B) furnishing United States assistance or approving the extension of loans or the furnishing of financial or technical assistance by an international financial institution to such country is in the national security interests of the United States.

"(e) In the event that United States assistance to a country is suspended or that the United States votes against the extension of loans or the utilization of funds of such international financial institution under subsection (d), such suspension shall continue in force and the United States shall continue to cast such votes, as the case may be, until the President determines and reports in writing to the appropriate committees of the Congress that—

"(1) the government of such country has prepared, presented, and committed itself to a plan providing for the control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances within an explicitly stated period of time, with implementation commencing prior to the renewal of assistance, or before the approval by the United States of the extension of any loan or the furnishing of any financial or technical assistance by an international financial institution, to such country; and

"(2) the government of such country has taken legal and law enforcement measures to enforce effective suppression of the illicit cultivation, production, processing, transportation, and distribution of such drugs or controlled substances."

(d) Section 481 of such Act is further amended by adding at the end thereof the following:

"(k) As used in this section—

"(1) the term 'appropriate consultations' means discussions in person by designated representatives of the President, including the Assistant Secretary of State for International Narcotics Control and appropriate representatives of the Department of Health and Human Services, the Department of the Treasury, the Department of Defense, and the Department of Justice, with members of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives to review the worldwide illicit drug production situation and the role that the furnishing of United States assistance to major illicit drug producing countries and that United States contributions to international financial institutions should have in combating the entry of illicit narcotics and other controlled substances into the United States, and to provide such members with—

"(A) a description of the nature of the illicit drug production problem in each major illicit drug producing country for which the President is proposing to furnish United States assistance;

"(B) an analysis of the climatic, geographic, political, economic, and social factors that affect the illicit drug production in each country with respect to which the

President is required to report to the Congress under subsection (b);

"(C) a description of the methodology employed to determine the projected reductions for each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year; and

"(D) an analysis of any additional United States assistance that would be required to achieve the projected reductions reported by the President to the Congress pursuant to subsection (b);

"(2) the term 'legal and law enforcement measures' means—

"(A) the enactment and implementation of laws and regulations or the implementation of existing laws and regulations to provide for the progressive control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances; and

"(B) the effective organization, staffing, equipping, funding, and activation of those governmental authorities responsible for narcotics control;

"(3) the term 'major illicit drug producing country' means a country producing 10 metric tons or more of opium or opium derivative during a fiscal year or producing 500 metric tons or more of coca or marijuana (as the case may be) during a fiscal year;

"(4) the terms 'narcotic drugs' and 'other controlled substances' shall have the same meaning as is given to such terms by any applicable international narcotics control agreement or domestic law of the country or countries concerned, subject to the provisions of this section; and

"(5) the term 'United States assistance' means any assistance of any kind, excepting food, medicine or disaster relief assistance, which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to any foreign country, including—

"(A) assistance under this Act (including programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation, but excluding programs under chapter 9 of part I, relating to international narcotics control assistance);

"(B) sales, credits, and guarantees under the Arms Export Control Act;

"(C) sales under title I and title III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

"(D) financing programs of the Commodity Credit Corporation for export of nonfood commodities;

"(E) financing under the Export-Import Bank Act of 1945;

"(F) assistance under the Migration and Refugee Assistance Act of 1962;

"(G) programs under the Peace Corps Act;

"(H) assistance under the Inter-American Foundation Act; and

"(I) assistance under the Mutual Education and Cultural and Exchange Act of 1961."

Mrs. HAWKINS. Mr. President, today I am introducing an amendment to S. 1342, the Department of State authorization bill which is designed to combat the corruption, violent crime, addiction, and health hazards victimizing Florida and the rest of this country as a result of the flow of illegal drugs from abroad.

This amendment is cosponsored by Senators PERCY, BIDEN, COCHRAN, DECONCINI, D'AMATO, HUMPHREY, MOYNI-

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Reg A

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Serial 2209

87-01313

17 May 1984

The Honorable David A. Stockman
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

Senator Biden's Drug Czar Bill, S. 1787, is currently under consideration in the House of Representatives. While I certainly favor efforts to improve the Government's ability to cope with the drug problem, I am concerned that certain aspects of this Bill could inadvertently have a detrimental effect on intelligence activities.

Subsections 4 (a) (3) and 4 (b) (3) could be read as authorizing the Board and the Drug Czar to coordinate strategic narcotics intelligence activities abroad -- a responsibility currently exercised by the Director of Central Intelligence (DCI) in coordination with the Secretary of State. These activities are largely conducted by the same personnel who are engaged in other intelligence pursuits, and the establishment of a separate chain of authority for narcotics-related activities could disrupt other intelligence activities and interfere with liaison with foreign intelligence services and the conduct of foreign affairs. The Czar's authority to evaluate narcotics information might also be interpreted as entitling him to make determinations as to the use of narcotics intelligence outside of normal security channels independent of other intelligence concerns, thereby jeopardizing intelligence sources and methods.

Subsections 4 (a) (1) and 4 (c) (3) of the Bill could interfere with the formulation of the Intelligence Community budget by giving the Narcotics Board the power to fund narcotics efforts out of money appropriated for other intelligence projects vital to the security of this country. I believe that robbing Peter to pay Paul is not the answer to the drug enforcement problem. Instead, senior officials in federal agencies involved in drug enforcement should work closely with members of Congress to obtain the necessary funds to combat the drug problem.

Finally, subsection 4 (c) (1) of the Bill would interfere with the DCI's responsibilities for allocating intelligence assets -- in this case, personnel. Because intelligence officers have multiple responsibilities, having them serve two masters would cause total confusion.

Although subsection 4 (d) provides that "notwithstanding the authority granted in [Section 4 (a)], the Board shall not interfere with routine law enforcement or intelligence decisions of any agency," it does not protect Intelligence Community interests because it covers only the Board's actions; the Czar apparently is not covered. Moreover, it protects from interference only routine intelligence decisions. Nonroutine, indeed significant, intelligence decisions could be compromised.

One way to avoid the potential problems outlined above would be to urge the Congress to consider expanding the scope of the noninterference provision by striking the reference to "intelligence decisions" in subsection 4 (d) and by adding a new provision as follows:

Nothing in section 4 shall limit the authorities provided the Director of Central Intelligence by the National Security Act of 1947, as amended, the CIA Act of 1949, or any other statute or Executive Order.

I am open to any other suggestions regarding possible approaches to resolving the issues raised in this letter. I hope that by working together we can reach an agreement with the Congress that will improve the effectiveness of the Government's effort against drug trafficking and at the same time protect intelligence interests.

Sincerely,

[Redacted Signature]

/ John H. McIlhenny
Deputy Director of Central Intelligence

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cc: Mr. Jay B. Stephens
Deputy Associate Attorney General

- 1 - DCI
- 1 - DDCI
- 1 - EXDIR
- 1 - OLL
- 1 - OCC [Redacted]
- 1 - NIO/Narcotics
- 1 - ER File (Corrected fm 15 May copy)

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Central Intelligence Agency



Washington, D.C. 20505

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Executive Registry
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20 July 1984

The Honorable David A. Stockman
Director, Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

This letter responds to OMB's request for comments on Assistant Attorney General McConnell's 2 July letter to you regarding CIA's concerns with Senator Biden's narcotics bill.

Despite the differences between CIA and the Department of Justice regarding the impact of Senator Biden's bill on the Intelligence Community, I do agree with the Department of Justice that it would be inappropriate to seek to amend Senator Biden's narcotics bill at this time since the bill does not appear to be moving. In fact, I did not suggest in my letter of 17 May that our proposed amendment be raised with Congress before it appeared likely that the House of Representatives would act on this legislation. Rather, it was my purpose to state for the record the serious intelligence concerns with this legislation.

We again must note that the Senate Bill S. 1787 would seriously and adversely affect (1) the DCI's responsibilities to coordinate intelligence collection and protect intelligence sources and methods, (2) his responsibilities in connection with the Intelligence Community budget, and (3) his equities regarding the assignment of Intelligence Community personnel.

As a member of the Cabinet Council on Legal Policy, we learned of Justice's alternative to S. 1787 but were never given the opportunity to review the specific proposal and didn't learn of the details of the legislation until it passed the Senate. Requests by our General Counsel to obtain access to the proposal from Justice were denied.

I would hope that the time afforded by the congressional delay in acting on this legislation will enable us to reach an accommodation



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that will alleviate our concerns. I have instructed my staff to work with Department of Justice in reaching an Administration position that will accommodate intelligence concerns.

Sincerely,

[Redacted Signature]

John N. McMahon
Deputy Director of Central Intelligence

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cc Assistant Attorney General,
Office of Legislative and
Intergovernmental Affairs

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Orig - OMB
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98TH CONGRESS
2D SESSION

S. 1787

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 1984

Jointly referred to the Committees on the Judiciary and Energy and Commerce

AN ACT

To establish a National Drug Enforcement Policy Board.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "National Narcotics Act of
4 1984".

5 SEC. 2. (a) The Congress hereby makes the following
6 findings:

7 (1) The flow of illegal narcotics into the United
8 States is a major and growing problem.

9 (2) The problem of illegal drug activity falls
10 across the entire spectrum of Federal activities both
11 nationally and internationally.

1 (3) Illegal drug trafficking is estimated by the
2 General Accounting Office to be an \$80,000,000,000
3 per annum industry in the United States.

4 (4) The annual consumption of drugs has reached
5 epidemic proportions.

6 (5) Despite the efforts of the United States Gov-
7 ernment and other nations, the mechanisms for smug-
8 gling opium and other hard drugs into the United
9 States remain virtually intact and United States agen-
10 cies estimate that they are able to interdict no more
11 than 5 to 15 percent of all hard drugs flowing into the
12 country.

13 (6) Such significant indicators of the drug problem
14 as drug-related deaths, emergency room visits, hospital
15 admissions due to drug-related incidents, and addiction
16 rates are soaring.

17 (7) Increased drug trafficking is strongly linked to
18 violent, addiction-related crime and recent studies have
19 shown that over 90 percent of heroin users rely upon
20 criminal activity as a means of income.

21 (8) Much of the drug trafficking is handled by syn-
22 dicates, a situation which results in increased violence
23 and criminal activity because of the competitive strug-
24 gle for control of the domestic drug market.

1 (9) Controlling the supply of illicit drugs is a key
2 to reducing the crime epidemic confronting every
3 region of the country.

4 (10) The magnitude and scope of the problem re-
5 quires the establishment of a National Drug Enforce-
6 ment Policy Board, chaired by the Attorney General,
7 to facilitate coordination of all Federal efforts by rele-
8 vant agencies.

9 (11) Such a Board must have responsibility for co-
10 ordinating the operations of Federal agencies involved
11 in attacking this problem through the development of
12 policy and resources, so that a unified and efficient
13 effort can be undertaken.

14 (b) It is the purpose of this Act to insure—

15 (1) the maintenance of a national and internation-
16 al effort against illegal drugs;

17 (2) that the activities of the Federal agencies in-
18 volved are fully coordinated; and

19 (3) that a single, competent, and responsible high-
20 level Board of the United States Government, chaired
21 by the Attorney General, will be charged with this re-
22 sponsibility of coordinating United States policy with
23 respect to national and international drug law enforce-
24 ment.

1 SEC. 3. There is established in the executive branch of
2 the Government a Board to be known as the "National Drug
3 Enforcement Policy Board" (hereinafter in this Act referred
4 to as the "Board"). There shall be at the head of the Board a
5 Chairman who shall be the Attorney General (hereinafter in
6 this Act referred to as the "Chairman"). In addition to the
7 Chairman, the Board shall be comprised of the Secretaries of
8 State, Treasury, Defense, Transportation, Health and
9 Human Services, the Director of the Office of Management
10 and Budget, and the Director of Central Intelligence and
11 such other officials as may be appointed by the President.
12 Decisions made by the Board pursuant to section 4(a) of this
13 Act shall be acknowledged by each member thereof in writ-
14 ing.

15 SEC. 4. (a) The Board shall facilitate coordination of
16 United States operations and policy on illegal drug law en-
17 forcement. In the furtherance of that responsibility, the
18 Board shall have the responsibility, and is authorized to—

19 (1) review, evaluate and develop United States
20 Government policy, strategy and resources with re-
21 spect to illegal drug law enforcement efforts, including
22 budgetary priorities and a National and International
23 Drug Law Enforcement Strategy;

1 (2) facilitate coordination of all United States
2 Government efforts to halt national and international
3 trafficking in illegal drugs; and

4 (3) coordinate the collection and evaluation of in-
5 formation necessary to implement United States policy
6 with respect to illegal drug law enforcement.

7 (b) For the purpose of coordinating the activities of the
8 several departments and agencies with responsibility for drug
9 law enforcement and implementing the determinations of the
10 Board, it shall be the duty of the Chairman—

11 (1) to advise the Board in matters concerning
12 drug law enforcement;

13 (2) to make recommendations to the Board for the
14 coordination of drug enforcement activities;

15 (3) to correlate and evaluate intelligence and
16 other information on drug law enforcement to support
17 the activities of the Board;

18 (4) to act as primary adviser to the President and
19 Congress on national and international illegal drug law
20 enforcement programs and policies developed by the
21 Board under subsection (a) of this section and the im-
22 plementation thereof; and

23 (5) to perform such other duties as the President
24 may direct.

1 (c) In carrying out responsibilities under this section, the
2 Chairman, on behalf of the Board, is authorized to—

3 (1) direct, with the concurrence of the head of the
4 agency employing such personnel, the assignment of
5 Government personnel within the United States Gov-
6 ernment in order to implement United States policy
7 with respect to illegal drug law enforcement;

8 (2) provide guidance in the implementation and
9 maintenance of policy, strategy, and resources devel-
10 oped under subsection (a) of this section;

11 (3) review and approve the reprogramming of funds
12 relating to budgetary priorities developed under subsec-
13 tion (a) of this section;

14 (4) procure temporary and intermittent services
15 under section 3109(b) of title 5, of the United States
16 Code, but at rates for individuals not to exceed the
17 daily equivalent of the maximum annual rate of basic
18 pay payable for the grade of GS-18 of the General
19 Schedule;

20 (5) accept and use donations of property from all
21 Government agencies; and

22 (6) use the mails in the same manner as any other
23 department or agency of the executive branch.

1 (d) Notwithstanding the authority granted in subsection
2 (a) of this section, the Board shall not interfere with routine
3 law enforcement ~~or intelligence~~ decisions of any agency.

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4 (f)(e) The Administrator of the General Services Adminis-
5 tration shall provide to the Board on a reimbursable basis
6 such administrative support services as the Chairman may
7 request.

8 SEC. 5. The Chairman shall submit to the Congress,
9 within nine months after enactment of this Act, and biannual-
10 ly thereafter, a full and complete report reflecting United
11 States policy with respect to illegal drug law enforcement,
12 plans proposed for the implementation of such policy, and,
13 commencing with the submission of the second report, a full
14 and complete report reflecting accomplishments with respect
15 to the United States policy and plans theretofore submitted to
16 the Congress.

17 SEC. 6. Title II of the Drug Abuse Prevention, Treat-
18 ment and Rehabilitation Act (21 U.S.C. 1112) is amended by
19 adding at the end of section 201 (21 U.S.C. 1111) a new
20 subsection (d) as follows:

21 "(d) Support to National Drug Enforcement Policy
22 Board. One of the duties of the White House Office of Drug
23 Abuse Policy shall be to insure coordination between the Na-
24 tional Drug Enforcement Policy Board and the health issues
25 associated with drug abuse.

8

1 SEC. 7. This Act shall be effective January 20, 1985.

Passed the Senate February 7 (legislative day, February 6), 1984.

Attest: WILLIAM F. HILDENBRAND,
Secretary.

Approved For Release 2008/12/04 : CIA-RDP95B00895R000200100003-0

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Next 3 Page(s) In Document Denied



Washington, D.C. 20505

2209

General Order

87-01313

17 May 1984

The Honorable David A. Stockman
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

Senator Biden's Drug Czar Bill, S. 1787, is currently under consideration in the House of Representatives. While I certainly favor efforts to improve the Government's ability to cope with the drug problem, I am concerned that certain aspects of this Bill could inadvertently have a detrimental effect on intelligence activities.

Subsections 4 (a) (3) and 4 (b) (3) could be read as authorizing the Board and the Drug Czar to coordinate strategic narcotics intelligence activities abroad -- a responsibility currently exercised by the Director of Central Intelligence (DCI) in coordination with the Secretary of State. These activities are largely conducted by the same personnel who are engaged in other intelligence pursuits, and the establishment of a separate chain of authority for narcotics-related activities could disrupt other intelligence activities and interfere with liaison with foreign intelligence services and the conduct of foreign affairs. The Czar's authority to evaluate narcotics information might also be interpreted as entitling him to make determinations as to the use of narcotics intelligence outside of normal security channels independent of other intelligence concerns, thereby jeopardizing intelligence sources and methods.

Subsections 4 (a) (1) and 4 (c) (3) of the Bill could interfere with the formulation of the Intelligence Community budget by giving the Narcotics Board the power to fund narcotics efforts out of money appropriated for other intelligence projects vital to the security of this country. I believe that robbing Peter to pay Paul is not the answer to the drug enforcement problem. Instead, senior officials in federal agencies involved in drug enforcement should work closely with members of Congress to obtain the necessary funds to combat the drug problem.

Finally, subsection 4 (c) (1) of the Bill would interfere with the DCI's responsibilities for allocating intelligence assets -- in this case, personnel. Because intelligence officers have multiple responsibilities, having them serve two masters would cause total confusion.


Although subsection 4 (d) provides that "notwithstanding the authority granted in [Section 4 (a)], the Board shall not interfere with routine law enforcement or intelligence decisions of any agency," it does not protect Intelligence Community interests because it covers only the Board's actions; the Czar apparently is not covered. Moreover, it protects from interference only routine intelligence decisions. Nonroutine, indeed significant, intelligence decisions could be compromised.

One way to avoid the potential problems outlined above would be to urge the Congress to consider expanding the scope of the noninterference provision by striking the reference to "intelligence decisions" in subsection 4 (d) and by adding a new provision as follows:

Nothing in section 4 shall limit the authorities provided the Director of Central Intelligence by the National Security Act of 1947, as amended, the CIA Act of 1949, or any other statute or Executive Order.


I am open to any other suggestions regarding possible approaches to resolving the issues raised in this letter. I hope that by working together we can reach an agreement with the Congress that will improve the effectiveness of the Government's effort against drug trafficking and at the same time protect intelligence interests.

Sincerely,


/ John H. McMahon
Deputy Director of Central Intelligence

STAT

cc: Mr. Jay B. Stephens
Deputy Associate Attorney General

- 1 - DCI
- 1 - DDCI
- 1 - EXDIR
- 1 - OLL
- 1 - OGC 
- 1 - NIO/Narcotics
- 1 - ER File (Corrected fm 15 May copy)

STAT

Ref
B

Central Intelligence Agency



Washington, D.C. 20505

84-02244
Executive Registry
84- 2209/3

20 July 1984

The Honorable David A. Stockman
Director, Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

This letter responds to OMB's request for comments on Assistant Attorney General McConnell's 2 July letter to you regarding CIA's concerns with Senator Biden's narcotics bill.

Despite the differences between CIA and the Department of Justice regarding the impact of Senator Biden's bill on the Intelligence Community, I do agree with the Department of Justice that it would be inappropriate to seek to amend Senator Biden's narcotics bill at this time since the bill does not appear to be moving. In fact, I did not suggest in my letter of 17 May that our proposed amendment be raised with Congress before it appeared likely that the House of Representatives would act on this legislation. Rather, it was my purpose to state for the record the serious intelligence concerns with this legislation.

We again must note that the Senate Bill S. 1787 would seriously and adversely affect (1) the DCI's responsibilities to coordinate intelligence collection and protect intelligence sources and methods, (2) his responsibilities in connection with the Intelligence Community budget, and (3) his equities regarding the assignment of Intelligence Community personnel.

As a member of the Cabinet Council on Legal Policy, we learned of Justice's alternative to S. 1787 but were never given the opportunity to review the specific proposal and didn't learn of the details of the legislation until it passed the Senate. Requests by our General Counsel to obtain access to the proposal from Justice were denied.

I would hope that the time afforded by the congressional delay in acting on this legislation will enable us to reach an accommodation



-2-

that will alleviate our concerns. I have instructed my staff to work with Department of Justice in reaching an Administration position that will accommodate intelligence concerns.

Sincerely,

[Redacted Signature Box]

John N. McMahon
Deputy Director of Central Intelligence

STAT

cc Assistant Attorney General,
Office of Legislative and
Intergovernmental Affairs

Distribution by ER/20 Jul 84

Orig - OMB
1 - CC - Asst AG
1 - DCI
1 - DDCI
1 - EXDIR
1 - OLL [Redacted]
1 - OGC
1 - NIO/Narcotics
1 - EXEC REGISTRY FILE

STAT

Ref
C

98TH CONGRESS
2D SESSION

S. 1787

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 1984

Jointly referred to the Committees on the Judiciary and Energy and Commerce

AN ACT

To establish a National Drug Enforcement Policy Board.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "National Narcotics Act of
4 1984".

5 SEC. 2. (a) The Congress hereby makes the following
6 findings:

7 (1) The flow of illegal narcotics into the United
8 States is a major and growing problem.

9 (2) The problem of illegal drug activity falls
10 across the entire spectrum of Federal activities both
11 nationally and internationally.

1 (3) Illegal drug trafficking is estimated by the
2 General Accounting Office to be an \$80,000,000,000
3 per annum industry in the United States.

4 (4) The annual consumption of drugs has reached
5 epidemic proportions.

6 (5) Despite the efforts of the United States Gov-
7 ernment and other nations, the mechanisms for smug-
8 gling opium and other hard drugs into the United
9 States remain virtually intact and United States agen-
10 cies estimate that they are able to interdict no more
11 than 5 to 15 percent of all hard drugs flowing into the
12 country.

13 (6) Such significant indicators of the drug problem
14 as drug-related deaths, emergency room visits, hospital
15 admissions due to drug-related incidents, and addiction
16 rates are soaring.

17 (7) Increased drug trafficking is strongly linked to
18 violent, addiction-related crime and recent studies have
19 shown that over 90 percent of heroin users rely upon
20 criminal activity as a means of income.

21 (8) Much of the drug trafficking is handled by syn-
22 dicates, a situation which results in increased violence
23 and criminal activity because of the competitive strug-
24 gle for control of the domestic drug market.

1 (9) Controlling the supply of illicit drugs is a key
2 to reducing the crime epidemic confronting every
3 region of the country.

4 (10) The magnitude and scope of the problem re-
5 quires the establishment of a National Drug Enforce-
6 ment Policy Board, chaired by the Attorney General,
7 to facilitate coordination of all Federal efforts by rele-
8 vant agencies.

9 (11) Such a Board must have responsibility for co-
10 ordinating the operations of Federal agencies involved
11 in attacking this problem through the development of
12 policy and resources, so that a unified and efficient
13 effort can be undertaken.

14 (b) It is the purpose of this Act to insure—

15 (1) the maintenance of a national and internation-
16 al effort against illegal drugs;

17 (2) that the activities of the Federal agencies in-
18 volved are fully coordinated; and

19 (3) that a single, competent, and responsible high-
20 level Board of the United States Government, chaired
21 by the Attorney General, will be charged with this re-
22 sponsibility of coordinating United States policy with
23 respect to national and international drug law enforce-
24 ment.

1 SEC. 3. There is established in the executive branch of
2 the Government a Board to be known as the "National Drug
3 Enforcement Policy Board" (hereinafter in this Act referred
4 to as the "Board"). There shall be at the head of the Board a
5 Chairman who shall be the Attorney General (hereinafter in
6 this Act referred to as the "Chairman"). In addition to the
7 Chairman, the Board shall be comprised of the Secretaries of
8 State, Treasury, Defense, Transportation, Health and
9 Human Services, the Director of the Office of Management
10 and Budget, and the Director of Central Intelligence and
11 such other officials as may be appointed by the President.
12 Decisions made by the Board pursuant to section 4(a) of this
13 Act shall be acknowledged by each member thereof in writ-
14 ing.

15 SEC. 4. (a) The Board shall facilitate coordination of
16 United States operations and policy on illegal drug law en-
17 forcement. In the furtherance of that responsibility, the
18 Board shall have the responsibility, and is authorized to—

19 (1) review, evaluate and develop United States
20 Government policy, strategy and resources with re-
21 spect to illegal drug law enforcement efforts, including
22 budgetary priorities and a National and International
23 Drug Law Enforcement Strategy;

1 (2) facilitate coordination of all United States
2 Government efforts to halt national and international
3 trafficking in illegal drugs; and

4 (3) coordinate the collection and evaluation of in-
5 formation necessary to implement United States policy
6 with respect to illegal drug law enforcement.

7 (b) For the purpose of coordinating the activities of the
8 several departments and agencies with responsibility for drug
9 law enforcement and implementing the determinations of the
10 Board, it shall be the duty of the Chairman—

11 (1) to advise the Board in matters concerning
12 drug law enforcement;

13 (2) to make recommendations to the Board for the
14 coordination of drug enforcement activities;

15 (3) to correlate and evaluate intelligence and
16 other information on drug law enforcement to support
17 the activities of the Board;

18 (4) to act as primary adviser to the President and
19 Congress on national and international illegal drug law
20 enforcement programs and policies developed by the
21 Board under subsection (a) of this section and the im-
22 plementation thereof; and

23 (5) to perform such other duties as the President
24 may direct.

1 (c) In carrying out responsibilities under this section, the
2 Chairman, on behalf of the Board, is authorized to—

3 (1) direct, with the concurrence of the head of the
4 agency employing such personnel, the assignment of
5 Government personnel within the United States Gov-
6 ernment in order to implement United States policy
7 with respect to illegal drug law enforcement;

8 (2) provide guidance in the implementation and
9 maintenance of policy, strategy, and resources devel-
10 oped under subsection (a) of this section;

11 (3) review and approve the reprogramming of funds
12 relating to budgetary priorities developed under subsec-
13 tion (a) of this section;

14 (4) procure temporary and intermittent services
15 under section 3109(b) of title 5, of the United States
16 Code, but at rates for individuals not to exceed the
17 daily equivalent of the maximum annual rate of basic
18 pay payable for the grade of GS-18 of the General
19 Schedule;

20 (5) accept and use donations of property from all
21 Government agencies; and

22 (6) use the mails in the same manner as any other
23 department or agency of the executive branch.

1 (d) Notwithstanding the authority granted in subsection
2 (a) of this section, the Board shall not interfere with routine STAT
3 law enforcement ~~or intelligence~~ decisions of any agency.

4 (+)(c) The Administrator of the General Services Adminis-
5 tration shall provide to the Board on a reimbursable basis
6 such administrative support services as the Chairman may
7 request.

8 SEC. 5. The Chairman shall submit to the Congress,
9 within nine months after enactment of this Act, and biannual-
10 ly thereafter, a full and complete report reflecting United
11 States policy with respect to illegal drug law enforcement,
12 plans proposed for the implementation of such policy, and,
13 commencing with the submission of the second report, a full
14 and complete report reflecting accomplishments with respect
15 to the United States policy and plans theretofore submitted to
16 the Congress.

17 SEC. 6. Title II of the Drug Abuse Prevention, Treat-
18 ment and Rehabilitation Act (21 U.S.C. 1112) is amended by
19 adding at the end of section 201 (21 U.S.C. 1111) a new
20 subsection (d) as follows:

21 "(d) Support to National Drug Enforcement Policy
22 Board. One of the duties of the White House Office of Drug
23 Abuse Policy shall be to insure coordination between the Na-
24 tional Drug Enforcement Policy Board and the health issues
25 associated with drug abuse.

8

1 SEC. 7. This Act shall be effective January 20, 1985.

Passed the Senate February 7 (legislative day, February 6), 1984.

Attest: WILLIAM F. HILDENBRAND,
Secretary.

Central Intelligence Agency



Washington, D.C. 20505

OLL 84-3394
18 September 1984

Ms. Deborah K. Owen
Majority General Counsel
Committee on the Judiciary
United States Senate
2226 Senate Dirksen Office Building
Washington, D.C. 20510

Dear Ms. Owen:

As I indicated to you earlier, we have several important intelligence concerns with respect to proposed legislation establishing a new policy board to coordinate Federal efforts to combat drug abuse. These concerns are reflected in the enclosed letter of Chairman Boland of the HPSCI to Representative Hughes. We have been in contact with Mark Gitenstein and Scott Green with respect to our concerns, and they have informally indicated that they would be willing to consider an amendment that would accommodate intelligence equities. We intend to meet with them shortly to work out specific language, and I will keep you apprised as to our efforts in this regard.

Sincerely,

A rectangular box used to redact the signature of the sender.

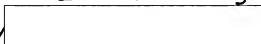
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Legislation Division
Office of Legislative Liaison

Enclosure

Distribution:

Original - Addressee
1 - D/OLL
1 - DD/OLL
1 - C/ILD/OGC
1 - OLL Chrono
1 - LEG Subject (Narcotics)
1 - DP Signer

OLL/LEG,  18 Sept 84)

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U.S. HOUSE OF REPRESENTATIVES

PERMANENT SELECT COMMITTEE
 ON INTELLIGENCE

WASHINGTON, D.C. 20515

LEGISLATIVE LIAISON

54 - 3458

THOMAS K. LATIMER, STAFF DIRECTOR
 MICHAEL J. O'NEAL, CHIEF COUNSEL
 STEVEN K. BERRY, ASSOCIATE COUNSEL

September 10, 1984

Honorable William J. Hughes
 Chairman, Subcommittee on Crime
 Committee on the Judiciary
 207 Cannon House Office Building
 Washington, D. C. 20515

Dear Mr. Chairman:

H.R. 4028, which would establish a high level Office of Drug Abuse Policy for coordination of all federal efforts to combat drug abuse, will be considered by the House today. In light of its imminent passage and your future conference discussions on resolving the differences between H.R. 4028 and its Senate counterpart, it is important that you be aware of several intelligence concerns raised by that bill, S. 1787.

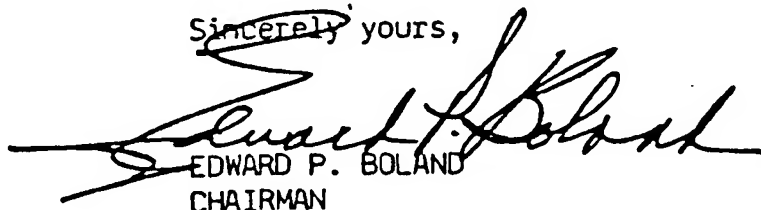
Unlike the coordinating and leadership role H.R. 4028 would give the Director of a new Office of Drug Abuse Policy (ODAP), S. 1787 invests the Chairman of a National Drug Enforcement Policy Board (NDEPB) with final budgetary, personnel and other authorities over any agencies, including intelligence agencies, contributing to the national drug effort. Such authority, in my view, is inappropriate and inevitably will intrude into intelligence matters having no bearing on narcotics intelligence matters. It could also involve the Chairman of the NDEPB unnecessarily in matters directly affecting intelligence sources and methods.

Since H.R. 4028 avoids such concentration of power in the person of the Director of the ODAP, I urge that in negotiations with the Senate, you insist on the House approach to these matters. An explicit disclaimer that the Director of Central Intelligence's authorities are not affected by any House-Senate compromise bill would be one way to accomplish this. H.R. 4028 now contains such a disclaimer relating to the authorities of the Secretary of Defense and the Administrator of the Veteran's Administration.

I or the Committee staff would be happy to expand on these concerns at your convenience.

With every good wish, I am

Sincerely yours,


 EDWARD P. BOLAND
 CHAIRMAN

Central Intelligence Agency



Washington, D.C. 20505

18 SEP 1984

OLL: 84-3488/1

The Honorable Edward P. Boland, Chairman
Permanent Select Committee on Intelligence
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I have just received a copy of your letter to Chairman Hughes of the Judiciary Subcommittee on Crime regarding H.R. 4028, and I want to thank you for your strong effort to protect the DCI's authorities and to avoid the difficulties that a poorly drawn drug czar bill might cause to U.S. intelligence efforts. Your letter exemplifies intelligence oversight at its best, and I want you to know that the Director and I are most appreciative of your leadership. Thanks again.

Sincerely,

[Redacted Signature]

John N. McMahon
Deputy Director of Central Intelligence

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1 - OLL Chrono

DD/OLL: [Redacted] (17 Sept 1984)

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Washington, D.C. 20505

OLL 84-3388
17 September 1984

Ms. Charlene L. Vanlier
Minority Associate Counsel
Subcommittee on Crime
Committee on the Judiciary
111 Cannon House Office Building
Washington, D.C. 20515

Dear Ms. Vanlier:

Per our telephone conversation of 14 September, I am enclosing a copy of a letter by Chairman Boland of the HPSCI to Congressman Hughes on H.R. 4028 and S. 1787. Since we do have intelligence concerns regarding this legislation, I would very much appreciate your continuing to keep me informed of the status of negotiations between the House and Senate on these bills. I would also like to meet with you at your convenience so that I can more fully explain our concerns with the legislation and possible amendments that would alleviate our concerns. Finally, I very much would welcome any help or advice you can give us on how intelligence equities can best be protected in a House-Senate Conference.

Sincerely,



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Legislation Division
Office of Legislative Liaison

Enclosure

Distribution:

Original - Addressee
1 - D/OLL
1 - DD/OLL
1 - C/ILD/OGC
1 - OLL Chrono
1 - LEG Subject (Narcotics)
1 - DP Signer

OLL/LEG/ [redacted] (17 Sept 84)

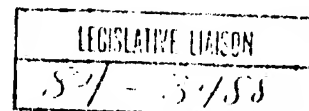
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ROMANO L. MAZZOLI, KY.
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C. W. BILL YOUNG, FLA.
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U.S. HOUSE OF REPRESENTATIVES

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

WASHINGTON, D.C. 20515



THOMAS K. LATIMER, STAFF DIRECTOR
MICHAEL J. O'NEIL, CHIEF COUNSEL
STEVEN K. BERRY, ASSOCIATE COUNSEL

September 10, 1984

Honorable William J. Hughes
Chairman, Subcommittee on Crime
Committee on the Judiciary
207 Cannon House Office Building
Washington, D. C. 20515

Dear Mr. Chairman:

H.R. 4028, which would establish a high level Office of Drug Abuse Policy for coordination of all federal efforts to combat drug abuse, will be considered by the House today. In light of its imminent passage and your future conference discussions on resolving the differences between H.R. 4028 and its Senate counterpart, it is important that you be aware of several intelligence concerns raised by that bill, S. 1787.

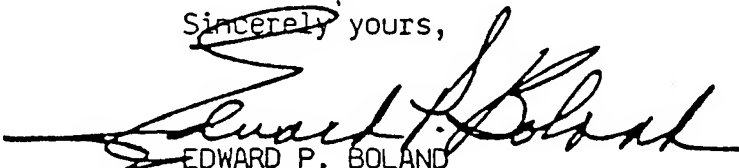
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Since H.R. 4028 avoids such concentration of power in the person of the Director of the ODAP, I urge that in negotiations with the Senate, you insist on the House approach to these matters. An explicit disclaimer that the Director of Central Intelligence's authorities are not affected by any House-Senate compromise bill would be one way to accomplish this. H.R. 4028 now contains such a disclaimer relating to the authorities of the Secretary of Defense and the Administrator of the Veteran's Administration.

I or the Committee staff would be happy to expand on these concerns at your convenience.

With every good wish, I am

Sincerely yours,



EDWARD P. BOLAND
CHAIRMAN

98TH CONGRESS
2D SESSION

S. 1787

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 1984

Jointly referred to the Committees on the Judiciary and Energy and Commerce

AN ACT

To establish a National Drug Enforcement Policy Board.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 *That this Act may be cited as the "National Narcotics Act of*
4 *1984".*

5 SEC. 2. (a) The Congress hereby makes the following
6 findings:

7 (1) The flow of illegal narcotics into the United
8 States is a major and growing problem.

9 (2) The problem of illegal drug activity falls
10 across the entire spectrum of Federal activities both
11 nationally and internationally.

1 (3) Illegal drug trafficking is estimated by the
2 General Accounting Office to be an \$80,000,000,000
3 per annum industry in the United States.

4 (4) The annual consumption of drugs has reached
5 epidemic proportions.

6 (5) Despite the efforts of the United States Gov-
7 ernment and other nations, the mechanisms for smug-
8 gling opium and other hard drugs into the United
9 States remain virtually intact and United States agen-
10 cies estimate that they are able to interdict no more
11 than 5 to 15 percent of all hard drugs flowing into the
12 country.

13 (6) Such significant indicators of the drug problem
14 as drug-related deaths, emergency room visits, hospital
15 admissions due to drug-related incidents, and addiction
16 rates are sparing.

17 (7) Increased drug trafficking is strongly linked to
18 violent, addiction-related crime and recent studies have
19 shown that over 90 percent of heroin users rely upon
20 criminal activity as a means of income.

21 (8) Much of the drug trafficking is handled by syn-
22 dicates, a situation which results in increased violence
23 and criminal activity because of the competitive strug-
24 gle for control of the domestic drug market.

1 (9) Controlling the supply of illicit drugs is a key
2 to reducing the crime epidemic confronting every
3 region of the country.

4 (10) The magnitude and scope of the problem re-
5 quires the establishment of a National Drug Enforce-
6 ment Policy Board, chaired by the Attorney General,
7 to facilitate coordination of all Federal efforts by rele-
8 vant agencies.

9 (11) Such a Board must have responsibility for co-
10 ordinating the operations of Federal agencies involved
11 in attacking this problem through the development of
12 policy ~~and resources~~, so that a unified and efficient
13 effort can be undertaken.

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14 (b) It is the purpose of this Act to insure—

15 (1) the maintenance of a national and internation-
16 al effort against illegal drugs;

17 (2) that the activities of the Federal agencies in-
18 volved are fully coordinated; and

19 (3) that a single, competent, and responsible high-
20 level Board of the United States Government, chaired
21 by the Attorney General, will be charged with this re-
22 sponsibility of coordinating United States policy with
23 respect to national and international drug law enforce-
24 ment.

1 SEC. 3. There is established in the executive branch of
2 the Government a Board to be known as the "National Drug
3 Enforcement Policy Board" (hereinafter in this Act referred
4 to as the "Board"). There shall be at the head of the Board a
5 Chairman who shall be the Attorney General (hereinafter in
6 this Act referred to as the "Chairman"). In addition to the
7 Chairman, the Board shall be comprised of the Secretaries of
8 State, Treasury, Defense, Transportation, Health and
9 Human Services, the Director of the Office of Management
10 and Budget, and the Director of Central Intelligence and
11 such other officials as may be appointed by the President.
12 Decisions made by the Board pursuant to section 4(a) of this
13 Act shall be acknowledged by each member thereof in writ-
14 ing.

15 SEC. 4. (a) The Board shall facilitate coordination of
16 United States operations and policy on illegal drug law en-
17 forcement. In the furtherance of that responsibility, the
18 Board shall have the responsibility, and is authorized to—

19 (1) review, evaluate and develop United States STAT
20 Government policy, strategy, and resources, with ILLEGIB
21 spect to illegal drug law enforcement efforts, including
22 budgetary priorities and a UNCODED National and International
23 Drug Law Enforcement Strategy;

1 (2) facilitate coordination of all United States
2 Government efforts to halt national and international
3 trafficking in illegal drugs; and

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4 ~~(3) coordinate the collection and evaluation of in-~~
5 ~~formation/necessary to implement United States policy~~
6 ~~with respect to illegal drug law enforcement.~~

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7 (b) For the purpose of coordinating the activities of the
8 several departments and agencies with responsibility for drug
9 law enforcement and implementing the determinations of the
10 Board, it shall be the duty of the Chairman—

11 (1) to advise the Board in matters concerning
12 drug law enforcement;

13 (2) to make recommendations to the Board for the
14 coordination of drug enforcement activities;

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15 ~~(3) to correlate and evaluate intelligence and~~
16 ~~other information on drug law enforcement to support~~
17 ~~the activities of the Board;~~

18 (4) to act as primary adviser to the President and
19 Congress on national and international illegal drug law
20 enforcement programs and policies developed by the
21 Board under subsection (a) of this section and the im-
22 plementation thereof; and

23 (5) to perform such other duties as the President
24 may direct.

1 (c) In carrying out responsibilities under this section, the
2 Chairman, ~~on behalf~~ of the Board, is authorized to—

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3 (1) direct, with the concurrence of the head of the
4 agency employing such personnel, the assignment of
5 Government personnel within the United States Gov-
6 ernment in order to implement United States policy
7 with respect to illegal drug law enforcement;

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8 (2) ~~provide guidance in~~ the implementation and
9 maintenance of policy, strategy, and resources devel-
10 oped under subsection (a) of this section;

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11 (3) review and ~~approve~~ the reprogramming of funds

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12 ~~relating to budgetary priorities developed under subsec-~~
13 ~~tion (a) of this section;~~

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14 (4) procure temporary and intermittent services
15 under section 3109(b) of title 5 of the United States
16 Code, but at rates for individuals not to exceed the
17 daily equivalent of the maximum annual rate of basic
18 pay payable for the grade of GS-18 of the General
19 Schedule;

20 (5) accept and use donations of property from all
21 Government agencies; and

22 (6) use the mails in the same manner as any other
23 department or agency of the executive branch.

1 (d) Notwithstanding the authority granted in subsection ^S
2 (a) of this section, the Board shall ~~not~~ interfere with routine
3 law enforcement or intelligence decisions of any agency.

4 (e) The Administrator of the General Services Adminis-
5 tration shall provide to the Board on a reimbursable basis
6 such administrative support services as the Chairman may
7 request.

8 SEC. 5. The Chairman shall submit to the Congress,
9 within nine months after enactment of this Act, and biannual-
10 ly thereafter, a full and complete report reflecting United
11 States policy with respect to illegal drug law enforcement,
12 plans proposed for the implementation of such policy, and,
13 commencing with the submission of the second report, a full
14 and complete report reflecting accomplishments with respect
15 to the United States policy and plans theretofore submitted to
16 the Congress.

17 SEC. 6. Title II of the Drug Abuse Prevention, Treat-
18 ment and Rehabilitation Act (21 U.S.C. 1112) is amended by
19 adding at the end of section 201 (21 U.S.C. 1111) a new
20 subsection (d) as follows:

21 "(d) Support to National Drug Enforcement Policy
22 Board. One of the duties of the White House Office of Drug
23 Abuse Policy shall be to insure coordination between the Na-
24 tional Drug Enforcement Policy Board and the health issues
25 associated with drug abuse.

8

1 SEC. 7. This Act shall be effective January 20, 1985.

Passed the Senate February 7 (legislative day, February 6), 1984.

Attest: WILLIAM F. HILDENBRAND,
Secretary.

98TH CONGRESS
1ST SESSION

H. R. 4028

To amend the Drug Abuse Prevention, Treatment, and Rehabilitation Act to revise the authority of the Office of Drug Abuse Policy, to establish a Deputy Director for Drug Abuse Prevention and a Deputy Director for Drug Enforcement in the Office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 1983

Mr. HUGHES (for himself, Mr. SAWYER, Mr. SMITH of Florida, Mr. GILMAN, Mr. SHAW, Mr. SCHUMER, Mr. RODINO, Mr. RANGEL, Mr. MICA, Mr. GUABINI, Mr. YOUNG of Missouri, Mr. ENGLISH, Mr. ALBOSTA, Mr. FORSYTHE, Mr. ROE, Mr. TORRICELLI, Mr. GLICKMAN, Mr. LEVINE of California, Mr. FASCELL, Mr. FEIGHAN, Mr. MCGRATH, Mr. MATSUI, Mr. FAUNTROY, Mr. CHAPPIE, Mr. TOWNS, Mr. COUGHLIN, Mr. ORTIZ, Mr. PARRIS, Mr. SCHEUER, Mr. OXLEY, Mr. SAM B. HALL, JR., Mr. LEWIS of Florida, Mr. AKAKA, and Mr. PRITCHARD) introduced the following bill; which was referred jointly to the Committees on the Judiciary and Energy and Commerce

A BILL

To amend the Drug Abuse Prevention, Treatment, and Rehabilitation Act to revise the authority of the Office of Drug Abuse Policy, to establish a Deputy Director for Drug Abuse Prevention and a Deputy Director for Drug Enforcement in the Office, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 *That title II of the Drug Abuse Prevention, Treatment, and*

1 Rehabilitation Act (21 U.S.C. 1112) is amended to read as
2 follows:

3 **"TITLE II—OFFICE OF DRUG ABUSE POLICY**

"Sec.

"201. Office of Drug Abuse Policy.

"202. Concentration of Federal effort.

"203. Acceptance of uncompensated services.

"204. Notice relating to the control of dangerous drugs.

"205. Statutory authority unaffected.

"206. Annual report.

"207. Authorization of appropriations.

4 **"§ 201. Office of Drug Abuse Policy**

5 “(a)(1) The Office of Drug Abuse Policy in the Execu-
6 tive Office of the President shall be headed by a Director
7 appointed by the President. The President may appoint the
8 Vice President to be the Director. Any other appointment
9 shall be made by and with the advice and consent of the
10 Senate. Under the Director shall be a Deputy Director for
11 Drug Abuse Prevention and a Deputy Director for Drug En-
12 forcement, each appointed by the President by and with the
13 advice and consent of the Senate. The Director may delegate
14 to each Deputy Director such of the authority to carry out
15 section 202 as the Director considers appropriate. The Presi-
16 dent may direct the Director or a Deputy Director to repre-
17 sent the Government of the United States in discussions and
18 negotiations relating to drug abuse functions.

19 “(2) Unless the Director is the Vice President, the Di-
20 rector shall be compensated at the rate of pay in effect for
21 level I of the Executive Schedule and each Deputy Director

1 shall be compensated at the rate of pay in effect for level III
2 of the Executive Schedule.

3 “(b) In carrying out section 202, the Director may
4 employ and prescribe the functions of such officers and em-
5 ployees, including attorneys, as are necessary to perform the
6 functions vested in him by such section.

7 “(c) The location of the Office in the Executive Office of
8 the President shall not be construed as affecting access by
9 the Congress or committees of either House (1) to informa-
10 tion, documents, and studies in the possession of, or conduct-
11 ed by or at the direction of the Director or a Deputy Direc-
12 tor, or (2) to Office personnel.

13 **“§ 202. Concentration of Federal effort**

14 “(a) The Director shall—

15 “(1) establish policies for, objectives of, and prior-
16 ities for, Federal drug abuse functions;

17 “(2) coordinate and oversee the performance of
18 drug abuse functions by Federal departments and agen-
19 cies to insure the implementation of the policies, objec-
20 tives, and priorities established under paragraph (1);

21 “(3) make such recommendations to the President
22 respecting—

23 “(A) changes in the organization, manage-
24 ment, and budgets of Federal departments and
25 agencies engaged in drug abuse functions, and

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1 “(B) the allocation of personnel to and within
2 such departments and agencies,
3 as the Director determines are appropriate to imple-
4 ment the policies, priorities, and objectives established
5 under paragraph (1); and

6 “(4) consult with and assist State and local gov-
7 ernments respecting their relations with Federal de-
8 partments and agencies in the performance of drug
9 [redacted] abuse functions. STAT

10 “(b) To carry out subsection (a), the Director shall—

11 “(1) review the regulations guidelines, require-
12 ments, criteria, and procedures of Federal departments
13 and agencies applicable to the performance of drug
14 [redacted] abuse functions; STAT

15 “(2) conduct, or provide for, evaluations of (A) the
16 performance of drug abuse functions by Federal depart- STAT
17 ments and agencies, (B) the results achieved by such
18 departments and agencies in the performance of such
19 functions;

20 “(3) seek to assure that Federal departments and
21 agencies, in the performance of drug abuse functions,
22 construe drug abuse as a health problem requiring
23 treatment and rehabilitation through a broad range of
24 community health and social services;

1 “(4) review the annual budgets submitted to the
2 Office of Management and Budget for the Federal de- STAT
3 partments and agencies engaged in drug abuse func-
4 tions and make recommendations to the President re-
5 specting such budgets before they are submitted to the
6 Congress; and

7 “(5) review the allocation of personnel to and by
8 such departments and agencies.

9 “(c) Federal departments and agencies engaged in drug
10 abuse functions shall submit to the Director such information
11 and reports as may reasonably be required to carry out this
12 section.

13 **“§ 203. Acceptance of uncompensated services**

14 “In carrying out section 202, the Director may accept
15 and employ in furtherance of the purpose of such section vol-
16 untary and uncompensated services notwithstanding section
17 1342 of title 31 of the United States Code.

18 **“§ 204. Notice relating to the control of dangerous drugs**

19 “Whenever the Attorney General determines that there
20 is evidence that—

21 “(1) a drug or other substance, which is not a
22 controlled substance, has a potential for abuse, or

23 “(2) a controlled substance should be transferred
24 or removed from a schedule under section 202 of the
25 Controlled Substances Act,

1 he shall, prior to initiating any proceeding under section
2 201(a) of such Act, give the Director timely notice of such
3 determination. Information forwarded to the Attorney Gener-
4 al pursuant to section 201(f) of such Act shall also be for-
5 warded by the Secretary of Health and Human Services to
6 the Director.

7 **“§ 205. Statutory authority unaffected**

8 “Nothing in this title shall be construed to limit the au-
9 thority of the Secretary of Defense with respect to the oper-
10 ation of the Armed Forces or the authority of the Administra-
11 tor of Veterans’ Affairs with respect to the furnishing of
12 health care and related services to veterans.

13 **“§ 206. Annual report**

14 “The Director shall submit to the Congress, prior to
15 March 1 of each year, a written report on the activities con-
16 ducted under this title. The report shall specify the objec-
17 tives, nature, and results of such activities, and shall contain
18 an accounting of funds expended under this title.

19 **“§ 207. Authorization of appropriations**

20 ““There is authorized to be appropriated for the Office of
21 Drug Abuse Policy, \$500,000 for fiscal year 1984 and
22 \$500,000 for fiscal year 1985.”.

23 SEC. 2. (a) Section 102 of the Drug Abuse Prevention,
24 Treatment, and Rehabilitation Act (21 U.S.C. 1102) is
25 amended by striking out “and” at the end of paragraph (3),

1 by striking out the period at the end of paragraph (4) and
2 inserting in lieu thereof a semicolon, and by adding after
3 paragraph (4) the following:

4 “(5) coordination of law enforcement efforts of all
5 Federal law enforcement agencies and cooperation and
6 sharing of drug enforcement intelligence with State and
7 local law enforcement agencies;

8 “(6) coordination of all international, multilateral,
9 and bilateral efforts to suppress drug trafficking, to
10 control cultivation of crops that are, or are the raw
11 materials for, controlled substances, and to control pre-
12 cursor chemicals and other chemicals essential for the
13 manufacture and processing of controlled substances;
14 and

15 “(7) increased cooperation among nations in car-
16 rying out the Single Convention on Narcotics, the Con-
17 vention on Psychotropic Substances, and any other in-
18 ternational effort to control the traffic and abuse of
19 controlled substances.”.

20 (b)(1) Subsections (b) and (c) of section 103 of such Act
21 (21 U.S.C. 1103) are each amended by striking out “traffic
22 prevention” each place it occurs and inserting in lieu thereof
23 “enforcement”;

24 (2) Section 103(c) of such Act is amended—

1 (A) by inserting before the semicolon in paragraph
2 (2)(A) the following: "and other investigations and
3 prosecutions of individuals involved in drug offenses";

4 (B) by amending paragraph (2)(B) to read as
5 follows:

6 "(B) the coordination of the drug enforce-
7 ment activities of Federal agencies and depart-
8 ments;"; and

9 (C) by striking out "or" at the end of paragraph
10 (1), by striking out the period at the end of paragraph
11 (2) and inserting in lieu thereof "; or", and by adding
12 at the end the following:

13 "(3) the interdiction of the illicit commerce in con-
14 trolled substances and the suppression of the cultiva-
15 tion of crops that are, or are the raw materials for,
16 controlled substances."

17 (c) Section 103 of such Act is amended by adding at the
18 end the following:

19 "(e) The term 'drug' means a controlled substance.

20 "(f) The term 'controlled substance' has the same mean-
21 ing as is prescribed for such term by section 102(6) of the
22 Controlled Substances Act."

23 (d)(1) Section 301 of such Act (21 U.S.C. 1161) is
24 amended by striking out "traffic prevention" and inserting in
25 lieu thereof "enforcement".

1 (2) Sections 303 and 304 of such Act (21 U.S.C. 1163,
2 1164) are each amended by striking out "traffic prevention"
3 each place it occurs and inserting in lieu thereof "enforce-
4 ment".

5 (e)(1) Section 5312 of title 5, United States Code, is
6 amended by adding at the end the following:

7 "Director, Office of Drug Abuse Policy."

8 (2)(A) Section 5314 of such title is amended by striking
9 out "Director of the Office of Drug Abuse Policy."

10 (B) Such section 5314 is further amended at adding at
11 the end the following:

12 "Deputy Director for Drug Abuse Prevention,
13 Office of Drug Abuse Policy.

14 "Deputy Director for Drug Enforcement, Office of
15 Drug Abuse Policy."

16 (3) Section 5315 of such title is amended by striking out
17 "Deputy Director of the Office of Drug Abuse Policy."

○

Drug Czar

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14 SEP 1984

MEMORANDUM FOR: Director
Office of Legislative Liaison

FROM:
Legislation Division
Office of Legislative Liaison

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SUBJECT: Drug Czar Legislation

1. This memorandum is to bring you up-to-date on the status of the Drug Czar legislation in Congress and to propose various options to fix the legislation so that it will not adversely affect DCI equities.

2. On 11 September 1984, the House of Representatives passed H.R. 4028 (the "Hughes Bill") which would establish an Office of Drug Enforcement Coordination. Other legislation dealing with the same subject matter, S. 1787, (the "Biden Bill") has already passed the Senate. Because these bills are very different, it will be necessary to have a conference in the near future to reconcile the differences.

3. The DDCI has gone on record with OMB as opposing the Biden Bill because it would adversely impact on the DCI's authority with respect to budgetary and personnel matters, and protection of sources and methods. With respect to the Hughes Bill, the authority of the Drug Czar is much more limited than in the Senate bill, and it is the opinion of OGC and the undersigned that this legislation would not significantly affect DCI authority. At our request, Chairman Boland has sent the attached letter to Representative Hughes outlining our concerns with the Biden Bill and suggesting that in any compromise with the Senate, a provision should be included stating that the DCI's authority will not be affected. I have also discussed this matter with Senator Biden's staff, and they indicated that they would be willing to insert language in their bill requiring that the Drug Czar recognize the DCI authorities.

4. Before proceeding further in negotiations with the Congressional staff, it is necessary for this Agency to determine how explicit the disclaimer regarding the DCI authorities should be. In the DDCI's letter to OMB, it was suggested that the following disclaimer should be put into the Biden Bill:

"Nothing in section 4 shall limit the authorities provided the Director of Central Intelligence by the National Security Act of 1947, as amended, the CIA Act of 1949, or any other statute or Executive Order."

The DDCI did indicate, however, that he was open to other suggestions as to how Senator Biden's bill could be amended to alleviate our concerns. In discussions with Senator Biden's staff, they indicated their willingness to consider the following types of disclaimer:

"(f) In carrying out their responsibilities under this section, both the Board and the Chairman shall recognize the duties and responsibilities of the Director of Central Intelligence under the National Security Act of 1947, as amended, (including the protection of sources and methods) or any other law, Executive Order, regulation or directive."

You will notice that this proposed amendment is not as explicit a disclaimer as the proposed amendment originally suggested in the DDCI letter to OMB. Senator Biden's staff indicated that they probably would not accept such an explicit disclaimer. The issue that needs to be decided is whether we should insist upon language that would explicitly except the DCI from the powers of the new Drug Czar, or whether we should compromise on language that does not explicitly except the DCI from the Drug Czar Bill. If we choose the former course of action, we run the risk that we will get no legislative fix and would have to then recommend the Presidential veto of the Drug Czar legislation. If we choose the latter course of action, we probably will be successful in amending the bill, but the DCI's authorities, vis-a-vis the Drug Czar, would be open to some

debate. I believe that this matter should be discussed with the DDCI since he has expressed an interest in this piece of legislation.



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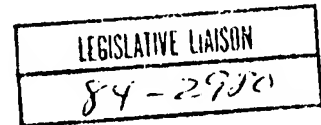


EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

August 23, 1984

SPECIAL

LEGISLATIVE REFERRAL MEMORANDUM



TO: Legislative Liaison Officer

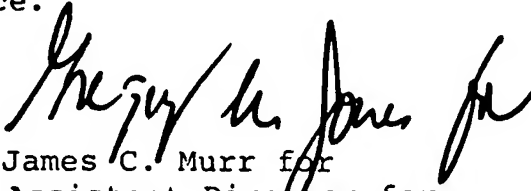
Department of Justice
Central Intelligence Agency
Department of Defense
National Security Council
Department of Transportation

SUBJECT: Department of the Treasury views on S. 1787.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than
September 5, 1984

Questions should be referred to Gregory Jones (395-3856), the legislative analyst in this office.


James C. Murr for
Assistant Director for
Legislative Reference

Enclosures

cc: Richard Williams Frank Kalder
Russ Neeley



DEPARTMENT OF THE TREASURY
OFFICE OF THE GENERAL COUNSEL
WASHINGTON, D.C. 20220

AUG 20 1984

Director, Office of Management and Budget
Executive Office of the President
Washington, DC 20503

Attention: Assistant Director for Legislative Reference

Dear Sir:

This responds to your request for the Treasury Department's views on the Department of Justice's letter on S. 1787.

The Department of the Treasury continues to oppose legislation that would create a new bureaucracy with policy and budgetary control over the departments and agencies with major responsibilities in the fight against drug abuse and drug trafficking. To this end, we have previously objected to H.R. 4028 which, like S. 1787, would supplant some of the existing coordination mechanisms that this Administration has initiated in its overall drug strategy.

While we can understand the Department of Justice's view that S. 1787 may be the lesser of two evils, we nevertheless believe that the bill should be considered on its own. We strongly object to S. 1787 because it would authorize an unnecessary intrusion into the budgetary, and hence policy, decisions of other departments and agencies. We take specific exception to Section 4(c)(3), which alters the existing review procedure for budgetary decision-making with regard to reprogramming.

The changes in authority that S. 1787 would accomplish are unnecessary ones. The existing coordination mechanisms, such as the Cabinet Council on Legal Policy (CCLP), the Drug Supply Reduction Work Group of the CCLP, the Organized Crime Drug Enforcement Task Forces, and the National Narcotics Border Interdiction System, all of which this Administration has carefully developed over the last three and a half years, are now providing the necessary policy review functions that S. 1787 endeavors to create. What is more, these coordinating mechanisms accomplish their purpose in a way that allows each department and agency the degree of autonomy necessary to carry out the functions it is charged by law to perform. As a further indication that the intent of this bill is misguided, the major Federal initiatives directed against drug-related crime in the past three years have been pursuant to an overall strategy, approved at the White House level, that recognizes and utilizes the unique contributions that each department and agency brings to the overall effort.

-2-

The carefully-struck balance between the degree of interagency coordination and the retention of the ability of each participating entity to determine, within broad policy goals established by the President, how to apply its resources, has been a central principle of this Administration's drug enforcement strategy to date. It would be unwise to risk upsetting this balance in the manner proposed by S. 1787.

For these reasons, Treasury cannot agree with the position taken by the Justice Department with respect to S. 1787 and recommends that this Administration strenuously oppose this bill, as well as any legislation that would similarly compromise the authority of Federal departments and agencies with responsibilities in drug enforcement.

Sincerely yours,

A handwritten signature in cursive script, reading "Margery Waxman".

Margery Waxman
Deputy General Counsel

*Drug Czar
Narcotics*



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

LEGISLATIVE LIAISON
84-2960

August 13, 1984

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer

Department of Justice
Department of Defense
Central Intelligence Agency ✓
Department of Transportation
Department of the Treasury
National Security Council
Department of State

SUBJECT: Agency letters (State, Treasury, CIA, and DOD) on
S. 1787, the "drug czar" bill

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

FYI: NO RESPONSE NEEDED AT THIS TIME.

Direct your questions to Gregory Jones (395-3856), of this office.


James C. Murr for
Assistant Director for
Legislative Reference

Enclosures

cc: A. Curtis
F. Kalder
R. Neely
P. Hughes



United States Department of State

Washington, D.C. 20520

STAT

AUG 8 1984

Dear Mr. Stockman:

The Department of State has been asked to comment on a Department of Justice letter to you, dated July 2, concerning S. 1787, the so-called "drug czar" bill.

The Department of State has consistently opposed such legislation, including H.R. 3963 which the President vetoed in 1983 on the recommendation of several Departments including State. We recently conveyed to you a response to Senator Thurmond in which the Department opposed H.R. 4028, another proposal to create a drug czar.

The Department was not consulted on the negotiations which led to S. 1787 prior to its passage February 7, nor did we obtain a draft of the Administration's language from Justice until after the bill had been passed. However, our views on predecessor drafts were made well known at meetings of the Cabinet in October, 1983, at which we said that the establishment of a drug czar is unnecessary and duplicative of the current Federal narcotics coordinating process.

The subject bill, while providing for a Board whose members would include the Secretary and the Director of Central Intelligence, would confer certain powers upon the Attorney General, separate from the Board's powers, and these authorities would have the effect of making the Attorney General the drug czar.

International narcotics control is an important foreign policy issue and, as clearly provided for in law, is an area for the Department to establish foreign policy directives. Given the vital importance of coordinated management of overall US bilateral relations with a dozen or more narcotics source countries, it would be inappropriate for another Cabinet officer to be establishing policy on narcotics-related foreign policy issues.

The Honorable
David A. Stockman,
Director,
Office of Management
and Budget.

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Moreover, as we said last October, we believe that, if negotiations commence again with the Congress, the Department of State and others should also be actively involved in developing the Administration's position; that the negotiating position developed in behalf of the Administration should not be limited to or even begin with the position Justice negotiated with the Senate but should contain the widest base of possible options for the President, including enhancement of the current Cabinet Council coordinating mechanism; and, the negotiations should involve the several key members of Senate and House who have influence on such legislation.

Sincerely,

A handwritten signature in black ink, reading "W. Tapley Bennett, Jr." with a stylized flourish at the end.

W. Tapley Bennett, Jr.
Assistant Secretary
Legislative and Intergovernmental Affairs

Central Intelligence Agency



Washington, D.C. 20505

20 July 1984

The Honorable David A. Stockman
Director, Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

This letter responds to OMB's request for comments on Assistant Attorney General McConnell's 2 July letter to you regarding CIA's concerns with Senator Biden's narcotics bill.

Despite the differences between CIA and the Department of Justice regarding the impact of Senator Biden's bill on the Intelligence Community, I do agree with the Department of Justice that it would be inappropriate to seek to amend Senator Biden's narcotics bill at this time since the bill does not appear to be moving. In fact, I did not suggest in my letter of 17 May that our proposed amendment be raised with Congress before it appeared likely that the House of Representatives would act on this legislation. Rather, it was my purpose to state for the record the serious intelligence concerns with this legislation.

We again must note that the Senate Bill S. 1787 would seriously and adversely affect (1) the DCI's responsibilities to coordinate intelligence collection and protect intelligence sources and methods, (2) his responsibilities in connection with the Intelligence Community budget, and (3) his equities regarding the assignment of Intelligence Community personnel.

As a member of the Cabinet Council on Legal Policy, we learned of Justice's alternative to S. 1787 but were never given the opportunity to review the specific proposal and didn't learn of the details of the legislation until it passed the Senate. Requests by our General Counsel to obtain access to the proposal from Justice were denied.

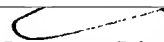
I would hope that the time afforded by the congressional delay in acting on this legislation will enable us to reach an accommodation

-2-

that will alleviate our concerns. I have instructed my staff to work with Department of Justice in reaching an Administration position that will accommodate intelligence concerns.

Sincerely,

[Redacted Signature Box]

 John N. McMahon
Deputy Director of Central Intelligence

STAT

cc Assistant Attorney General,
Office of Legislative and
Intergovernmental Affairs



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D.C. 20301

STAT

20 JUL 1984

Honorable David A. Stockman
Director, Office of Management
and Budget
Washington, D. C. 20503

Dear Mr. Stockman:

This is in response to your request for the views of the Department of Defense on Central Intelligence Agency report dated 17 May 1984, regarding S. 1787, 98th Congress, a bill, "To establish an office of the Director of National and International Drug Operations and Policy."

While the Department of Defense favors efforts to improve the Government's ability to deal with the narcotics problem, and is dedicating increased efforts to that end, the Department of Defense is also concerned that certain aspects of S. 1787 could impact adversely on the Department's primary defense responsibilities.

The Department of Defense is concerned that subsections of the bill could provide the proposed National Drug Enforcement Policy Board with powers that might interfere with correct expenditure of defense resources as authorized and appropriated by Congress. Further, subsections of the bill might interfere with responsibilities vested in the Department of Defense for the assigned missions of the United States operating forces. On those subsections of the bill addressing the collection of foreign intelligence, the Department of Defense fully agrees with the Central Intelligence Agency report and believes the views expressed therein would equally apply to subsections of S. 1787 impacting on Department of Defense responsibilities. Also, we concur in the proposed revision of paragraph 4(d) of the bill, with addition of the following clause at the end of the revised language: ", or provided the Secretary of Defense by statute or Executive Order."

Sincerely,

A handwritten signature in black ink, appearing to read "Chapman B. Cox", is written over the typed name.

Chapman B. Cox